S.B. Cr. Bail Application No. 5095/2007
(Rupa Ram Vs. State of Rajasthan)

Date of order : 23.10.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. J.S.Choudhary for the petitioner.
Mr. Ashok Upadhyay, P.P.
Mr. G.R.Punia for the complainant.

Heard learned counsel for the petitioner and public prosecutor as also counsel appearing for the complainant. Perused the order imugned.

Learned counsel for the petitioner submits that after investigation the police has filed negative final report, however, the trial Magistrate took the cognizance of the offence and issued the non-bailable warrant.

Before me, the order taking cognizance is not under challenge. In the circumstances, therefore, the bail application in such matters under Section 438 Cr.P.C. is not maintainable. The bail application filed by the petitioner under Section 438 Cr.P.C. is therefore, dismissed. It is open for the petitioner to challenge the order taking cognizance before the appropriate forum.

(H.R.PANWAR), J.

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